

REMARKS

The present Amendment is in response to the Office Action mailed February 2, 2006, in the above-identified application. Enclosed herewith is a Petition requesting a one-month extension of time for resetting the deadline for responding to the Office Action from May 2, 2006 to and including June 2, 2006.

As an initial matter, Applicant acknowledges and appreciates the Examiner's willingness to conduct a telephone interview for the above-identified application on May 1, 2006. During the telephone interview, the Examiner and the undersigned discussed the outstanding Office Action, the filing of a Terminal Disclaimer to overcome a double patenting rejection, and amending the claims to incorporate the limitations of claim 20 into independent claims 1 and 32.

Applicant notes that the Examiner indicated the claim 24 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

In the Office Action, the Examiner rejected claims 1-4, 9, 12, 15, 17-19 and 32-35 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,186,359 to Brown et al. Referring to FIG. 3 thereof, Brown discloses an apparatus for dispensing flowable hair products. The apparatus includes a box having two apertures 110 that receive respective cap assemblies 250, 252. Flexible bags holding the flowable hair product are held inside the box. FIG. 5 shows the cap assembly having a flange that engages an exterior surface of the box.

In response to the §102(b) rejection under Brown, Applicant respectfully asserts that claim 1 is unanticipated by Brown because the cited reference neither discloses nor suggests a combination including a dispenser package and a holder "wherein the at least one item dispensable from said dispenser

package is selected from the group consisting of sheets, napkins, tissues, wipes and towelettes." Claims 2-4, 9, 12, 15 and 17-19 are unanticipated, *inter alia*, by virtue of their dependence from claim 1, which is unanticipated for the reasons set forth above.

Independent claim 32 is unanticipated by Brown because the cited reference neither discloses nor suggests a combination including a dispenser package and a holder "wherein the at least one item dispensable from said dispenser package is selected from the group consisting of sheets, napkins, tissues, wipes and towelettes." As noted above, Brown teaches dispensing flowable hair products. The reference neither teaches nor suggests the limitations found in independent claim 32. Claims 33-35 are unanticipated, *inter alia*, by virtue of their dependence from claim 32, which is unanticipated for the reasons set forth above.

The Examiner rejected claims 1-2, 4, 9, 12, 15, 17-19 and 32-35 under U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,475,670 to Rutter. Referring to FIG. 1 thereof, Rutter discloses a fluid dispenser whereby a flexible plastic bag for wine or other liquids is stored within a box. A fluid dispenser 24 having a flange is engaged with an opening 22 in the box 20. In response to the rejection, Applicant respectfully asserts that independent claims 1 and 32 are unanticipated for the reasons set forth above when discussing the novelty of the claims over Brown et al. Claims 2-3, 9, 12, 15 and 17-19 are unanticipated, *inter alia*, by virtue of their dependence from claim 1. Claims 33-35 are unanticipated, *inter alia*, by virtue of their dependence from claim 32.

The Examiner rejected claims 1-4, 8-12, 15, 17-19, 21 and 32-35 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,812,054 to Kirkendall in view of Rutter. Referring to FIG. 1 thereof, Kirkendall discloses an insulated

beverage box container having a front wall 18 with an aperture 28 for a dispenser cap assembly 38. Kirkendall does not disclose a flange on the cap assembly, however, the Examiner has cited the Rutter reference as teaching a flange. In response, Applicant respectfully asserts that claim 1 is unobvious over Kirkendall and Rutter because the cited references neither disclose nor suggest a combination including a dispenser package and a holder "wherein the at least one item dispensable from said dispenser package is selected from the group consisting of sheets, napkins, tissues, wipes and towelettes." Claims 2-4, 8-12, 15, 17-19 and 21 are unobvious, *inter alia*, by virtue of their dependence from claim 1.

Independent claim 32 is unobvious over Kirkendall in view of Rutter because the cited references neither disclose nor suggest a combination including a dispenser package and a holder "wherein the at least one item dispensable from said dispenser package is selected from the group consisting of sheets, napkins, tissues, wipes and towelettes." Claims 33-35 are unobvious, *inter alia*, by virtue of their dependence from claim 32, which is unobvious from the reasons set forth above.

Claims 13-14 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Brown, Kirkendall and Rutter, and further in view of U.S. Patent No. 5,842,604 to Stahley et al. The Examiner cited the Stahley reference as teaching a cap assembly having a hinged connection. In response, Applicant respectfully asserts that Stahley does not overcome the deficiencies noted above in Brown, Rutter and Kirkendall. Thus, claims 13-14 and 16 are patentable by virtue of their dependence from claim 1, which is patentable for the reasons set forth above.

The Examiner rejected claims 28 and 29 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,190,197 to Novak in view of U.S. Patent No. 5,127,545 to French. Referring

to FIGS. 1 and 2 thereof, the Examiner cited Novak as teaching a holder for a dispenser package, whereby the holder includes elastic straps 26 and 28. Referring to FIG. 1 thereof, the Examiner cited French as teaching a holder having elastic strap 16 with a hook and loop fastener 16A, 16B. As noted above, independent claim 28 has been amended to incorporate the limitations of claims 30 and 31 therein. Applicant notes that claim 31 was rejected only on the ground of obviousness-type double patenting as being unpatentable over certain claims of U.S. Patent 6,431,360. In view of the above noted amendment of claim 28, Applicant respectfully asserts that claim 28 is unobvious over Novak and French and is otherwise allowable.

The Examiner rejected claim 30 under 35 U.S.C. §103(a) as being unpatentable over the art applied above for claim 28, and further in view of U.S. Patent No. 5,704,471 to Yamada. The Examiner cited Yamada as teaching a dispenser package having a cap assembly and a flange 6 attached to a sheet of material (FIG. 3). In response, Applicant respectfully asserts that the limitations of claim 30 have been added to independent claim 28 and that claim 30 has been canceled, thereby rendering the rejection moot.

The Examiner rejected claims 1-2, 4, 9, 12, 15, 17-20 and 32-35 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over certain claims of commonly assigned U.S. Patent No. 6,431,360. The Examiner rejected claims 21-23, 28-31 and 36-37 on the ground of obviousness-type double patenting as being unpatentable over claim 24 of U.S. Patent No. 6,431,360 in view of Novak and French. In response, Applicant has filed herewith a Terminal Disclaimer to overcome U.S. Patent No. 6,431,360.

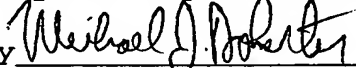
As it is believed that all of the rejections set forth in the Office Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested Amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: May 30, 2006

Respectfully submitted,

By 

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